

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

MDL 2724  
16-MD-2724

IN RE: ALBUTEROL CASES

HON. CYNTHIA M. RUGE

THIS DOCUMENT RELATES TO:

LEAD CASE: 16-AL-27240  
DIRECT CASE: 16-AL-27241

*ALL ALBUTEROL DIRECT PURCHASER  
ACTIONS*

JURY TRIAL DEMANDED

AHOLD USA, INC.; CÉSAR CASTILLO, INC.;  
FWK HOLDINGS, L.L.C.; KPH  
HEALTHCARE SERVICES, INC., a/k/a  
KINNEY DRUGS, INC.; and ROCHESTER  
DRUG CO-OPERATIVE, INC.; on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

MYLAN INC.; MYLAN  
PHARMACEUTICALS INC.; and SUN  
PHARMACEUTICAL INDUSTRIES, INC.,

Defendants.

**SUN PHARMACEUTICAL INDUSTRIES, INC.'S ANSWER TO THE ALBUTEROL  
CONSOLIDATED DIRECT PURCHASER CLASS ACTION COMPLAINT**

Defendant Sun Pharmaceutical Industries, Inc. (“Sun”) hereby responds to the allegations in Ahold USA, Inc., Cesar Castillo, Inc., FWK Holdings, LLC, KPH Healthcare Services, Inc., a/k/a Kinney Drugs, Inc., and Rochester Drug Co-Operative, Inc.’s (“Plaintiffs”) Direct Purchaser Class Action Complaint and Demand for Jury Trial (the “Complaint”). The headings and sub-headings in Plaintiffs’ Complaint require no response. However, to the extent a response is required, Sun denies all allegations in the headings and sub-headings in Plaintiffs’ Complaint.

## **I. INTRODUCTION**

1. Sun admits that the Plaintiffs purport to bring this action as a class action but denies that there is any basis to do so. Sun denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 1, and, on that basis, denies those allegations.

2. The allegations in Paragraph 2 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 2 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that pricing for generic drugs must be considered on a case-by-case basis. On that basis, Sun lacks knowledge or information to admit or deny the allegations in the first sentence of Paragraph 2, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

3. The allegations in Paragraph 3 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 3 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

4. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 4, and, on that basis, denies those allegations.

5. Sun admits that Albuterol is a bronchodilator indicated for treatment or prevention of bronchospasm. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

6. Sun admits that it distributes Albuterol. The remaining allegations in Paragraph 6 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations that relate to Sun and denies that Sun engaged in any wrongful conduct. Sun is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations. Sun further denies the remaining allegations in Paragraph 6.

7. Sun states that the referenced sources speak for themselves. The remaining allegations in Paragraph 7 and footnotes 2 and 3 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 7 and footnotes 2 and 3 that relate to Sun and denies that Sun engaged in any wrongful conduct. Sun is without sufficient knowledge or information to admit or deny the allegations that relate to any

entities other than Sun, and, on that basis, denies those allegations. Sun further denies the remaining allegations in Paragraph 7 and footnotes 2 and 3.

8. Sun admits that in May 2016, Sun received a grand jury subpoena from the DOJ Antitrust Division and states that the referenced sources speak for themselves. The remaining allegations in Paragraph 8 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 8 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

9. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 9 and footnote 4 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 9 and footnote 4 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

10. Sun admits that the Department of Justice filed Complaints in the U.S. District Court for the Eastern District of Pennsylvania and states that those Complaints speak for themselves. Sun admits that on January 9, 2017, plea hearings were held in cases captioned *United States v. Glazer*, No. 2:16-cr-00506, and *United States v. Malek*, No. 2:16-cr-00508. Sun states that the transcripts of those hearings speak for themselves. Sun further states that it is without

sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 10 and, on that basis, denies those allegations.

11. Sun admits that the Department of Justice made a filing in the U.S. District Court for the Eastern District of Pennsylvania, and states that the filing speaks for itself. Sun further states that the allegations contained in Paragraph 11 and footnote 5 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. Sun further states that it lacks knowledge or information sufficient to admit or deny the allegations as to any other entity, such as other entities named in the cited Complaint and, on that basis, denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 11 and footnote 5, and, on that basis, denies those allegations.

12. Sun admits that the attorneys general of certain states filed a Complaint in the U.S. District Court for the District of Connecticut against certain generic pharmaceutical drug manufacturers, and states that the Complaint speaks for itself. Sun states that the other referenced sources speak for themselves. Sun further states that the allegations in Paragraph 12 and footnotes 6, 7, and 8 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. The remaining allegations in Paragraph 12 and footnotes 6, 7, and 8 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 12 and footnotes 6, 7, and 8. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

13. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations in Paragraph 13.

14. The allegations in Paragraph 14 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 14 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

15. Sun admits that Plaintiffs purport to be direct purchasers and purport to bring claims under Section 1 of the Sherman Act. The remaining allegations in Paragraph 15 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 15, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun.

## **II. JURISDICTION AND VENUE**

16. Sun admits that Plaintiffs purport to bring this action under Section 4 of the Clayton Act and for violations of Section 1 of the Sherman Antitrust Act, and that this Court has jurisdiction over this action. The remaining allegations in Paragraph 16 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 16, denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun.

17. Sun admits that venue is proper in this District for this action only. The remaining allegations in Paragraph 17 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations.

18. Sun admits that it distributed Albuterol. The remaining allegations in Paragraph 18 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 18 that relate to Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

19. Sun admits that this Court has jurisdiction over this action. The remaining allegations in Paragraph 19 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 19, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

### III. PARTIES

20. Sun denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 20 and, on that basis, denies those allegations.

21. Sun denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 21 and, on that basis, denies those allegations.

22. Sun denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun states that it is

without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 22 and, on that basis, denies those allegations.

23. Sun denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 23 and, on that basis, denies those allegations.

24. Sun denies that it has engaged in any wrongdoing alleged in the Complaint and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 24 and, on that basis, denies those allegations.

25. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 25 and, on that basis, denies those allegations.

26. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 26 and, on that basis, denies those allegations.

27. Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 27 and, on that basis, denies those allegations.

28. Sun admits that it is a distributor of Albuterol; that Sun is a Michigan corporation with its principal place of business in Princeton, New Jersey; that Sun is a wholly-owned subsidiary of Sun Pharmaceutical Industries Ltd. (SPIL), a pharmaceutical company incorporated in India; that other wholly-owned U.S. subsidiaries of SPIL include: Chattem Chemical, Inc.; DUSA Pharmaceuticals, Inc.; Morley & Company, Inc.; Mutual Pharmaceutical Company, Inc.; Ranbaxy Inc.; and URL PharmPro, LLC; and that Sun's parent company, Sun Pharmaceutical Industries Ltd., acquired URL Pharma, Inc., including Mutual Pharmaceutical Company, Inc., in

2012. Sun admits that the FDA granted final approval for Sun's ANDAs for Albuterol in December 1989. Sun denies the remaining allegations in Paragraph 28.

29. The allegations in Paragraph 29 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 29 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

30. The allegations in Paragraph 30 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 30 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

31. The allegations in Paragraph 31 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 31 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

32. The allegations in Paragraph 32 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 32 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies

that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

33. The allegations in Paragraph 33 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 33 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

34. The allegations in Paragraph 34 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 34 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

35. Sun admits that it distributes Albuterol. Sun is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 35 and, on that basis, denies those allegations.

36. Sun admits that it distributes Albuterol. Sun is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 36 and, on that basis, denies those allegations.

37. Sun admits that it distributes Albuterol. The remaining allegations in Paragraph 37 state legal conclusions to which no response is required. To the extent a response is required, Sun

denies the remaining allegations in Paragraph 37 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

38. The allegations in Paragraph 38 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 38 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

39. The allegations in Paragraph 39 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 39 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

40. The allegations in Paragraph 40 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 40 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

41. The allegations in Paragraph 41 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 41 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to admit or deny the allegations that relate to any entities other than Sun, and, on that basis, denies those allegations.

#### **IV. FACTUAL ALLEGATIONS**

42. Sun states that the referenced source speaks for itself. Sun denies that Paragraph 42 and footnote 9 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 42 and footnote 9, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

43. Sun states that the pertinent statutes and regulations speak for themselves. Sun denies the characterization of these statutes and regulations. The remaining allegations in Paragraph 43 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations.

44. Sun states that the pertinent statutes and regulations speak for themselves. Sun denies the characterization of these statutes and regulations. The remaining allegations in Paragraph 44 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations.

45. Sun states that the pertinent statutes and regulations speak for themselves. Sun denies the characterization of these statutes and regulations. The remaining allegations in Paragraph 45 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 45 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 45, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

46. Sun states that the laws, regulations, legislative history, and “economic literature” described in Paragraph 46 speak for themselves. The remaining allegations in Paragraph 46 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 46 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 46, and, on that basis, denies those allegations.

47. The allegations in Paragraph 47 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 47 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge

or information to form a belief about the truth of the allegations in Paragraph 47, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

48. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 48 and footnotes 10 and 11 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 48 and footnotes 10 and 11 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 48 and footnotes 10 and 11, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

49. Sun states that the referenced source speaks for itself. The allegations in Paragraph 49 and footnote 12 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 49 and footnote 12 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 49 and footnote 12, and denies those allegations. Sun further states that it is without sufficient knowledge or

information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

50. The allegations in Paragraph 50 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 50 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 50, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

51. The allegations in Paragraph 51 and footnote 13 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 51 and footnote 13 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 51 and footnote 13, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

52. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 52 and footnotes 14 and 15 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 52 and footnotes 14 and 15 provide a

complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 52 and footnotes 14 and 15, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

53. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 53 and footnotes 16, 17, and 18 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 53 and footnotes 16, 17, and 18 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 53 and footnotes 16, 17, and 18, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

54. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 54 and footnotes 19 and 20 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 54 and footnotes 19 and 20 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without

sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 54 and footnotes 19 and 20, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

55. The allegations in Paragraph 55 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 55 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 55, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

56. The allegations in Paragraph 56 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 56 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 56, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

57. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 57 and footnotes 21, 22, and 23 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 57 and footnotes 21, 22, and 23 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 57 and footnotes 21, 22, and 23, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

58. The allegations in Paragraph 58 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that Paragraph 58 provides a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 58, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

59. The allegations in Paragraph 59 and footnote 24 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 59 and footnote 24 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and

the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 59 and footnote 24, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

60. The allegations in Paragraph 60 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 60 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 60, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

61. The allegations in Paragraph 61 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 61 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 61, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

62. The allegations in Paragraph 62 and footnote 25 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 62 and footnote 25 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 62 and footnote 25, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

63. Sun denies the allegations in Paragraph 63 that relate to Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

64. The allegations in Paragraph 64 state legal conclusions to which no response is required. To the extent a response is required, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further denies that the allegations in Paragraph 64 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the other allegations in Paragraph 64 relating to Sun, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

65. The allegations in Paragraph 65 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 65 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 65, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

66. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 66 and, on that basis, Sun denies those allegations.

67. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 67 and, on that basis, Sun denies those allegations.

68. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 68 and, on that basis, Sun denies those allegations.

69. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 69 and, on that basis, Sun denies those allegations.

70. The allegations in Paragraph 70 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 70 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that

it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 70, and denies those allegations.

71. The allegations in Paragraph 71 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 71 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 71, and denies those allegations.

72. The allegations in Paragraph 72 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 72 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 72, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun.

73. The allegations in Paragraph 73 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 73 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that

it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 73, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun.

74. The allegations in Paragraph 74 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 74 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 74, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

75. The allegations in Paragraph 75 and footnote 26 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 75 and footnote 26 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 75 and footnote 26, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have

been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

76. The allegations in Paragraph 76 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 76 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 76, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

77. Sun states that the referenced laws and sources speak for themselves. The allegations in Paragraph 77 and footnote 27 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 77 and footnote 27 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 77 and footnote 27, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge

or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

78. Sun states that the referenced laws and sources speak for themselves. The allegations in Paragraph 78 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 78 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 78, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

79. The allegations in Paragraph 79 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 79 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 79, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to

form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

80. The allegations in Paragraph 80 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 80 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun.

81. The allegations in Paragraph 81 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations in Paragraph 81 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 81, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

82. The allegations in Paragraph 82 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 82 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

83. The allegations in Paragraph 83 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 83 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

84. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 84 and footnotes 29 and 30 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 84 and footnotes 29 and 30 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

85. Sun admits that it has been a member of GPhA, the NACDS, and HDMA. The remaining allegations in Paragraph 85 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 85 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

86. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 86 and footnote 31 and, on that basis, denies those allegations.

87. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 87 and footnote 32 and, on that basis, denies those allegations.

88. Sun admits that it has been a member of GPhA. Sun states that the referenced source speaks for itself. The allegations in Paragraph 88 and footnote 33 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the other allegations in Paragraph 88 and footnote 33 that relate to Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

89. Sun admits that Jim Kedrowski served on the board of GPhA in 2016. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 89 and, on that basis, denies those allegations.

90. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 90 and, on that basis, denies those allegations.

91. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 91 and, on that basis, denies those allegations.

92. Sun admits that it has been a member of HDMA. Sun states that the referenced source speaks for itself. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 92 and footnote 34 and, on that basis, denies those allegations.

93. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

94. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

95. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

96. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

97. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without

sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

98. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

99. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

100. Sun admits that certain Sun employees sometimes attended trade association meetings and industry events, but Sun lacks the knowledge or information sufficient to form a belief as to who attended any particular meeting or event. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

101. Sun admits that the attorneys general of certain states filed a Complaint in the U.S. District Court for the District of Connecticut against certain generic pharmaceutical drug manufacturers, and states that the Complaint referenced in Paragraph 101 and footnote 35 speaks for itself. Sun further states that the allegations contained in Paragraph 101 and footnote 35 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. The remaining allegations in Paragraph 101 and footnote 35 state legal

conclusions to which no response is required. Sun denies the allegations in Paragraph 101 and footnote 35 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

102. Sun admits that the attorneys general of certain states filed a Complaint in the U.S. District Court for the District of Connecticut against certain generic pharmaceutical drug manufacturers, and states that the Complaint referenced in Paragraph 102 and footnote 36 speaks for itself. Sun further states that the allegations contained in Paragraph 102 and footnote 36 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. The remaining allegations in Paragraph 102 and footnote 36 state legal conclusions to which no response is required. Sun denies the allegations in Paragraph 102 and footnote 36 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

103. Sun admits that its headquarters are in New Jersey. The remaining allegations in Paragraph 103 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 103 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or

information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

104. The allegations in Paragraph 104 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 104 that relate to Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

105. The allegations in Paragraph 105 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 105 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

106. The allegations in Paragraph 106 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 106 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

107. The allegations in Paragraph 107 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 107 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for

pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 107, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

108. The allegations in Paragraph 108 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 108 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 108, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

109. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 109 and, on that basis, denies those allegations.

110. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 110 and, on that basis, denies those allegations.

111. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 111 and, on that basis, denies those allegations.

112. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 112 and, on that basis, denies those allegations.

113. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 113 and, on that basis, denies those allegations.

114. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 114 and, on that basis, denies those allegations.

115. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 115 and, on that basis, denies those allegations.

116. Sun states that the referenced source speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 116 and, on that basis, denies those allegations.

117. Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 117 and, on that basis, denies those allegations.

118. Sun admits that Plaintiffs purport to quote from an earnings call held by Sun Pharmaceutical Industries Ltd. on November 14, 2013, but denies that Plaintiffs accurately and/or completely quote from that call. Sun further states that the earnings call transcript speaks for itself. Sun denies the remaining allegations in Paragraph 118.

119. Sun admits that Plaintiffs purport to quote from an earnings call held by Sun Pharmaceutical Industries Ltd. on November 14, 2013, but denies that Plaintiffs accurately and/or

completely quote from that call. Sun further states that the earnings call transcript speaks for itself. Sun Pharmaceutical Industries, Inc. denies the remaining allegations in Paragraph 119.

120. Sun admits that Plaintiffs purport to quote from an earnings call held by Sun Pharmaceutical Industries Ltd. on February 13, 2014, but denies that Plaintiffs accurately and/or completely quote from that call. Sun further states that the earnings call transcript speaks for itself. Sun Pharmaceutical Industries, Inc. denies the remaining allegations in Paragraph 120.

121. Sun denies the allegations in Paragraph 121.

122. Sun states that the referenced source speaks for itself. The allegations in Paragraph 122 and footnote 37 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 122 and footnote 37 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 122 and footnote 37, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

123. Sun states that the referenced source speaks for itself. The allegations in Paragraph 123 and footnote 38 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 123 and footnote 38 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly

described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 123 and footnote 38, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

124. Sun states that the referenced source speaks for itself. The allegations in Paragraph 124 and footnote 39 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 124 and footnote 39 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 124 and footnote 39, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

125. Sun states that the referenced source speaks for itself. The allegations in Paragraph 125 and footnote 40 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 125 and footnote 40 provide a

complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 125 and footnote 40, and denies those allegations. Sun further denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

126. Sun admits that B. Douglas Hoey sent a letter to members of Congress dated January 8, 2014, and states that the letter speaks for itself. The allegations in Paragraph 126 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 126 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 126, and denies those allegations.

127. Sun admits that on October 2, 2014, Representative Elijah E. Cummings and Senator Bernie Sanders sent a letter to Dilip Shanghvi, and states that the letter speaks for itself. The allegations in Paragraph 127 and footnote 41 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 127 and footnote 41 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market

for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 127 and footnote 41, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

128. Sun states that the referenced source speaks for itself. The allegations in Paragraph 128 and footnote 42 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 128 and footnote 42 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 128 and footnote 42, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

129. Sun admits that Plaintiffs purport to quote from an October 2, 2014 letter to Dilip Shaghvi, but denies that Plaintiffs accurately and/or completely quote from the letter. Sun further states that the letter speaks for itself. Sun denies the remaining allegations in Paragraph 129.

130. Sun admits that Plaintiffs purport to quote from an October 2, 2014 letter to Heather Bresch, but denies that Plaintiffs accurately and/or completely quote from the letter. Sun further states that the letter speaks for itself. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun

and, on that basis, denies those allegations. Sun denies the remaining allegations in Paragraph 130.

131. Sun states that the referenced sources speak for themselves. Sun denies the allegations in Paragraph 131 provide a complete and or/accurate characterization of the referenced sources and, on that basis, denies those allegations.

132. Sun states that the referenced sources speak for themselves. Sun denies the allegations in Paragraph 132 provide a complete and or/accurate characterization of the referenced sources and, on that basis, denies those allegations.

133. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 133 and footnotes 45 and 46 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 133 and footnotes 45 and 46 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 133 and footnotes 45 and 46, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

134. Sun states that the referenced source speaks for itself. The allegations in Paragraph 134 and footnote 47 state legal conclusions to which no response is required. To the extent a response is required, Sun denies that the allegations of Paragraph 134 and footnote 47 provide a complete and/or accurate description of the aspects of the generic drug industry purportedly described, and states that issues pertaining to sales, pricing, and the market for pharmaceutical

products must be considered on a case-by-case basis. On that basis, Sun states that it is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 134 and footnote 47, and denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

135. The allegations in Paragraph 135 state legal conclusions to which no response is required. To the extent a response is required, Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 135 and, on that basis, denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

136. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 136 and footnotes 48 and 49 state legal conclusions to which no response is required. To the extent a response is required, Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 136 and footnotes 48 and 49 and, on that basis, denies those allegations.

137. Sun admits that in May 2016, it received a grand jury subpoena from the Antitrust Division of the DOJ. The allegations in Paragraph 137 state legal conclusions to which no response is required. To the extent the allegations relate to Sun, states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 137 and, on that basis, denies those allegations.

138. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 138 and footnotes 50 and 51 state legal conclusions to which no response is required.

To the extent a response is required, Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 138 and footnotes 50 and 51 and, on that basis, denies those allegations.

139. Sun states that the referenced source speaks for itself. The allegations in Paragraph 139 and footnotes 52 and 53 state legal conclusions to which no response is required. To the extent a response is required, Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 139 and footnotes 52 and 53, on that basis, denies those allegations.

140. Sun admits that in May 2016, it received a grand jury subpoena from the Antitrust Division of the DOJ. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 140 and footnotes 54 and 55 state legal conclusions to which no response is required. To the extent the allegations relate to Sun, Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 140 and footnotes 54 and 55 and, on that basis, denies those allegations.

141. The allegations in Paragraph 141 state legal conclusions to which no response is required. To the extent the allegations relate to Sun, Sun states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 141 and, on that basis, denies those allegations.

142. Sun states that the referenced source speaks for itself. The allegations in Paragraph 142 and footnotes 56, 57, 58, and 59 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations.

143. The allegations in Paragraph 143 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations.

144. Sun states that the referenced source speaks for itself. The allegations in Paragraph 144 and footnote 60 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations.

145. Sun admits that the Department of Justice filed Complaints in the U.S. District Court for the Eastern District of Pennsylvania and states that those Complaints speak for themselves. The remaining allegations in Paragraph 145 state legal conclusions to which no response is required. To the extent a response is required, Sun states that it is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 145, and, on that basis, denies those allegations.

146. Sun admits that the Department of Justice filed Complaints in the U.S. District Court for the Eastern District of Pennsylvania and states that those Complaints speak for themselves. Sun also admits that on January 9, 2017, a plea hearing was held in a case captioned *United States v. Glazer*, No. 2:16-cr-00506, and states that the transcript of that hearing speaks for itself. Sun further admits that on January 9, 2017, a plea hearing was held in a case captioned *United States v. Malek*, No. 2:16-cr-00508, and states that the transcript of that hearing speaks for itself. The remaining allegations in Paragraph 146 state legal conclusions to which no response is required. To the extent a response is required, Sun states that it is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 146, and, on that basis, denies those allegations.

147. Sun states that the referenced sources speak for themselves. The allegations in Paragraph 147 and footnotes 62, 63, and 64 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 147 and footnotes 62, 63, and 64 that relate to Sun, denies that it has engaged in any wrongdoing alleged

in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that the allegations contained in Paragraph 147 and footnotes 62, 63, and 64 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

148. Sun states that the referenced source speaks for itself. The allegations in Paragraph 148 and footnote 65 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 148 and footnote 65 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

149. Sun admits that the attorneys general of certain states filed a complaint in the U.S. District Court for the District of Connecticut against certain generic pharmaceutical drug manufacturers, and states that the Complaint referenced in Paragraph 149 and footnotes 66 and 67 speaks for itself. Sun states that the referenced sources speak for themselves. Sun further states that the allegations in Paragraph 149 and footnotes 66 and 67 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. The remaining allegations in Paragraph 149 and footnotes 66 and 67, state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 149 and footnotes 66 and 67 that relate to Sun. Sun further states that it is without sufficient

knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

150. Sun states that the referenced source speaks for itself. Sun further states that the allegations in Paragraph 150 and footnote 68 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. The remaining allegations in Paragraph 150 and footnote 68, state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 150 and footnote 68. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

151. Sun states that the referenced sources speak for themselves. Sun further states that the allegations in Paragraph 151 and footnote 69 relate to issues that have been raised, but not proven, in the cited litigation, and, on that basis, denies those allegations. The remaining allegations in Paragraph 151 and footnote 69 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 151 and footnote 69. Sun further states that it is without sufficient knowledge or information to form a belief about the truth of the allegations that relate to entities other than Sun and, on that basis, denies those allegations.

152. Sun states that the referenced source speaks for itself. The allegations in Paragraph 152 and footnote 70 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 152 and footnote 70 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without

sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

153. Sun states the referenced source speaks for itself. The allegations in Paragraph 153 and footnote 71 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 153 and footnote 71 that relate to Sun, denies that it has engaged in any wrongdoing alleged in the Complaint, and denies that Plaintiffs have been injured as a result of any conduct by Sun. Sun further states that it is without sufficient knowledge or information to form a belief as to the truth of the allegations that relate to any entities other than Sun and, on that basis, denies those allegations.

#### **V. THE ALBUTEROL MARKET**

154. The allegations in Paragraph 154 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 154.

155. The allegations in Paragraph 155 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 155.

156. The allegations in Paragraph 156 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 156.

157. The allegations in Paragraph 157 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 157.

158. The allegations in Paragraph 158 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 158.

#### **VI. CLASS ACTION ALLEGATIONS**

159. The allegations in Paragraph 159 state legal conclusions to which no response is required. To the extent a response is required, Sun admits that Plaintiffs purport to bring an action

on behalf of the class described in Paragraph 159. Sun denies that any such class has been properly asserted or may be certified under Federal Rule of Civil Procedure 23. Sun denies the remaining allegations in Paragraph 159.

160. The allegations in Paragraph 160 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations.

161. The allegations in Paragraph 161 state legal conclusions to which no response is required. To the extent a response is required, Sun admits that Plaintiffs purport to bring an action on behalf of the class described in Paragraph 161. Sun denies that any such class has been properly asserted or may be certified under Federal Rule of Civil Procedure 23. Sun denies the remaining allegations in Paragraph 161.

162. The allegations in Paragraph 162 state legal conclusions to which no response is required. To the extent a response is required, Sun lacks sufficient knowledge or information to admit or deny the allegations, and, on that basis, denies the allegations in Paragraph 162.

163. The allegations in Paragraph 163 state legal conclusions to which no response is required. To the extent a response is required, Sun lacks sufficient knowledge or information to admit or deny the allegations, and, on that basis, denies the allegations in Paragraph 163.

164. The allegations in Paragraph 164 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the remaining allegations in Paragraph 164.

165. The allegations in Paragraph 165 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 165.

166. The allegations in Paragraph 166 state legal conclusions to which no response is required. To the extent a response is required, Sun admits that Plaintiffs purport to bring an action

on behalf of the class described in Paragraph 166. Sun denies that any such class has been properly asserted or may be certified under Federal Rule of Civil Procedure 23. Sun denies the remaining allegations in Paragraph 166.

167. The allegations in Paragraph 167 state legal conclusions to which no response is required. To the extent a response is required, Sun admits that Plaintiffs purport to bring an action on behalf of the class described in Paragraph 167. Sun denies that any such class has been properly asserted or may be certified under Federal Rule of Civil Procedure 23. Sun denies the remaining allegations in Paragraph 167.

## **VII. ANTITRUST INJURY**

168. The allegations in Paragraph 168 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 168.

169. The allegations in Paragraph 169 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 169.

170. The allegations in Paragraph 170 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 170.

171. The allegations in Paragraph 171 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 171.

## **VIII. CLAIM FOR RELIEF – VIOLATION OF SECTION 1 OF THE SHERMAN ACT**

172. Sun incorporates by reference its response to all of the allegations above.

173. The allegations in Paragraph 173 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 173.

174. The allegations in Paragraph 174 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 174.

175. The allegations in Paragraph 175 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 175.

176. The allegations in Paragraph 176 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 176.

177. The allegations in Paragraph 177 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 177.

178. The allegations in Paragraph 178 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 178.

179. The allegations in Paragraph 179 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 179.

180. The allegations in Paragraph 180 state legal conclusions to which no response is required. To the extent a response is required, Sun denies the allegations in Paragraph 180.

## **IX. RESPONSE TO PLAINTIFFS' PRAYER FOR RELIEF**

The Prayer for Relief states legal conclusions to which no response is required. To the extent a response is required, Sun denies that Plaintiffs are entitled to any of the relief sought in the Complaint.

## **X. JURY TRIAL DEMAND**

No response is required to Plaintiffs' jury demand. To the extent a response is required, Sun denies that Plaintiffs are entitled to any of the relief they seek.

Sun denies any and all remaining allegations in the Complaint that are not expressly and specifically admitted above.

**AFFIRMATIVE DEFENSES**

Without assuming any burdens that it would not otherwise bear, Sun asserts the following affirmative defenses. Sun reserves the right to amend or supplement its Affirmative Defenses:

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs are barred from recovery for some or all of the claims asserted against Sun because Plaintiffs failed to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs are barred from recovery for some or all of the claims asserted against Sun because Plaintiffs lack standing to assert their claims.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitations.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have not suffered injury proximately caused by any conduct of Sun and/or have not suffered, and will not suffer, injury of the type that the relevant statutes were designed to prevent.

**FIFTH AFFIRMATIVE DEFENSE**

The damages alleged in Plaintiffs' Complaint, if any, were caused, in whole or in part, by Plaintiffs' own conduct, by the conduct of persons or entities with regard to whom Plaintiffs are legally responsible, and/or by the conduct of persons or entities with regard to whom Sun is not legally responsible, and not by any alleged conduct on the part of Sun.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs' alleged damages, if any, are too speculative and uncertain.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claim for damages is barred in whole or in part by Plaintiffs' failure to exercise due care to avoid, mitigate or protect against any damages allegedly sustained.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver, estoppel, unclean hands, and/or laches.

**NINTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs' claims would result in Sun paying damages to more than one claimant for the same alleged overcharge, they are barred because such multiple liability would violate rights guaranteed to Sun by the United States Constitution, including, without limitation, rights guaranteed under the Due Process Clause of the Fourteenth Amendment.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because the acts or omissions of Sun did not substantially lessen competition in any properly defined market.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Sun's actions were in the furtherance of legitimate business interests of Sun and were not part of any contract, combination, or conspiracy in restraint of trade.

**TWELFTH AFFIRMATIVE DEFENSE**

Without admitting the existence of any contract, combination or conspiracy in restraint of trade, and expressly denying same, Plaintiffs' claims are barred, in whole or in part, by non-settling Defendants' right to set off any amounts paid to Plaintiffs by any Defendants who have settled, or do settle, Plaintiffs' claims against them in this action.

**THIRTEENTH AFFIRMATIVE DEFENSE**

This action cannot be certified as a class action under the provisions of Rule 23 of the Federal Rules of Civil Procedure.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Sun also reserves all affirmative defenses under Federal Rule of Civil Procedure 8(c) and any other defenses, at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

Sun adopts by reference any additional, applicable defense pleaded by the other Defendants in this matter.

Sun, further, denies each and every allegation of Plaintiffs' Complaint except as expressly admitted or qualified above. Sun prays that the Complaint be dismissed with prejudice, that the Court find Plaintiffs are not entitled to any judgment or relief, that the Court enter judgment in favor of Sun and against Plaintiffs, and that the Court award Sun such other relief as the Court deems just and proper.

Dated: March 15, 2019

Respectfully submitted,

*/s/ J. Douglas Baldridge*

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*Counsel for Defendant Sun Pharmaceutical  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2019, a copy of the foregoing Answer was served on counsel for all parties through this Court's CM/ECF System.

Dated: March 15, 2019

/s/ J. Douglas Baldridge  
J. Douglas Baldridge